

City Council Work Session Transcript – 05/16/2017

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[9:11:13 AM]

>> Mayor Adler: We have a quorum. Let's go ahead and convene this meeting on may 16th, 2017. We're in the boards and commissions room, it is 9:10. So colleagues, by way of schedule and calendar items this morning, we have a break today at 11:30. I think some of us are going over to the asian-pacific workforce luncheon at Parmer. I think that there's a rally on senate bill 4 also in the noon hour. I would suggest that we try our best to get through -- we're going to call up bee first so she can get -- bree first so she can get back to the capitol, a briefing if there's things she needs to talk to us. Next would be pulled items and try to get through those as fast as we can. Hopefully within an hour arrest so. And then ask staff to give us the two briefings that are available. There's no executive session items to come up today. So the cameras are here now in the middle of our room. Does anybody have a problem with that?
>>

>> Houston: I can't see

[indiscernible] Over there?

>> [Inaudible - no mic].

>> Troxclair: Mayor, can I ask what the policy is? I know we've always had cameras in that area there.

[9:13:14 AM]

I know there's a lot of local media that would love to be in the middle of our work session every week and I'm just trying to understand what the policy is.

>> Mayor Adler: I'm not sure that we have a policy, and they've just shown up here. Who are the camera crews here?

>> Hi. We're actually here with

[indiscernible]. We're covering senate bill 4

[inaudible - no mic]. We won'ting filming a bunch of you guys if you would like to not be on camera. We will be focusing mostly on him. But we want to be in the medal so we're not obstructing any [inaudible - no mic].

>> Mayor Adler: So the concern was you started setting up the cameras there and there was concern about the movement in and out of the room?

>> Yeah.

>> Mayor Adler: So they're in the middle of the room to accommodate the movement in and out of the room when they set up where we normally have cameras set up. And I think it's because of the volume of cameras that we have.

>> Troxclair: So I just want to be clear. We often have cameras at our work session, but they're always in that same area. So when we have local media who comes on a weekly basis to our work session and who wants to be in the middle of our work session is that something we're going to allow going forward? I want to accommodate -- I want to accommodate councilmember Casar to the best extent possible. This is not something that we've ever done before.

>> Mayor Adler: I understand. Is there no room to put the cameras back there where the cameras were?

>> [Inaudible - no mic].

>> Mayor Adler: By who? Can we put the cameras back there?

>> Typically the cameras are back over there and we have a border right there set up for media to be on that side and for city employees to be sitting on this side of that little divider right there. So the media would be back there. So that's what our typical building policy is.

[9:15:17 AM]

>> Mayor Adler: Okay.

>> Casar: I just want to clarify that for me I appreciate folks mentioning that we want to accommodate everybody's interest here. For me it's not about accommodating me, it's just about accommodating public coverage of our proceedings. And however building services can -- and management can work to allow the media to cover what we do here in a way that works for everybody, that's fine with me.

>> Mayor Adler: Okay. I want to know why we can't put the cameras back there. Did someone on the staff say there wasn't room back there? I'm concerned about setting a policy where we have the cameras come into the middle and I don't know how I say no later. So I would like us to be able to make room back in that area for the cameras to be there so we can accommodate the cameras and they can in fact be here.

>> If both of our camerassers here then we actually don't have a reason to be shooting because we will be

[inaudible].

>> I'd be happy to switch with councilmember Casar if that makes --

>> Mayor Adler: How about if we switch? Let's do that.

>> Troxclair: I would be happy to switch with Greg too.

>> Sorry, guys. It's not you. I don't know how to say no next week.

>> Alter: Mr. Casar, which would you like to switch with, myself or councilmember troxclair?

>> Mayor, is this a quick deal or will they be here the whole time?

>> Mayor Adler: We're setting a precedent here, let's try to keep cameras out of our bull pen.

>> Tovo: On another subject, I know we're posted each meeting for a codenext, which I appreciate. And I have a couple of suggestions about how we might organize that time going forward beginning next week. So at an appropriate time maybe before we hit the pulled meetings if I could spend a few minutes laying out my idea, I would appreciate it.

>> Mayor Adler: That would be good.

[9:17:17 AM]

Let's let bree go and then we'll pull that back up. Bree.

>> Morning, mayor, council. Bree Franco, intergovernmentals officer for the city of Austin. I want to give you an update. We have about two weeks left in session. So we've hit a lot of key deadlines for the legislative session. That doesn't mean we can take for granted that things can still pass through amendments, primarily even in conference committees, when bills go to conference committees sometimes you see new language sneak in there you there. I am very paranoid and don't allow anyone on my staff to say anything dead yet because I don't believe anything is fully dead until the end of session. Just know that that's where we're, but we have some key deadlines we want to update you on. For instance, there are key house bills that did not meet the deadline to be voted out of committee and the ones that I've listed here don't have senate companions. In terms these of the house versions that don't have a senate companion that did not get voted out of committee and that includes the Austin energy deregulation bill, the bill that would have impacted historic zoning and also a bill that would have impacted habitat conservation efforts outside of -- west of here in Travis county. Again, the other deadline that has passed relates to bills that were voted out of committee, but then didn't get out of the

calendar committee. In the house you have to go through the regular committee and then you get to the calendar committee to get set on the floor. These bills did not make it out of the calendar committee by the deadline. And the ones with the star that has a senate companion. So we're still watching that because senate bills do have a longer timeline than house bills do for the legislative calendar. But the bills that did not make it out of the calendar committee included hb 898 on vesting rights.

[9:19:19 AM]

Also a bill on 4033 related to homestead preservation that would have changed the related language. Not one of our homestead preservation bills. That would have updated current law and language for the law we currently have. That bill did not make it out of the calendar committee. So we still have -- then there were the bills on the floor that had to make it to second or third reading by a certain deadline. That also has passed. So those bills that were set for the floor, but did not make it to that second or third reading include the hot button 424, the annexation bill -- the hb 424, the annexation bill that. Bill has a senate companion and what happened with that bill is they have 16 sb 715 and substituted to look just like hb 424. Remember these are the annexation bills that would allow those being annexed to vote on the annexation. Hb 424 only applied to cities of a certain size, primarily cities and counties of more than 500,000 or cities over 500,000. Hb 7 -- sb 715 originally applied to everyone. So now the sb looks like the hb, which applies to less cities, but if it went to a conference committee it could as easily apply to apply to everyone as it does to just the larger cities. Now, either way for the city of Austin we're impacted by either bill. But what this affects is how many other cities, counties are impacted across the state. Other bills that didn't get off the house floor in time for this deadline is fair chance hiring. There's still a senate companion that has not had a committee hearing and then hb 3036, which would have limited discharges into the Edward's aquifer. Again, that also has a senate companion which has not moved out of the senate committee as well.

[9:21:27 AM]

So what we're moving to, now you will see senate bills in the house is what you're going to see a lot more of in the next couple of weeks. Eligible for consideration is the install cell bill. This is the one that greatly rewrites the agreement that you all, for instance, executed with all the small cell providers. It changes the fee amount to just 250 for each thing they place. It restrictive covenants our ability to regulate and regulate our ability to say where and when and how and what it looks like. But this is moving forward with all the might that AT&T puts behind it. They have definitely put a strong public relations campaign into this. If you even click on the tribune you might see one of their ads about this,

but that one is eligible to be heard for the house floor this week and is moving forward in the process. So then going to the rest of the bills where we are, we've had some change on revenue caps. So sb 2 was heard in house ways and means last week and it was voted out as a substitute that doesn't include a revenue cap it doesn't include a provision roll back rate. It now includes I believe a truth in transparency bill is the name of the bill now. It really just goes to how -- where we put it on the website, giving dates about hearings and so forth, but again keep in mind as this moves you still have the senate version of that bill which was at a five percent revenue cap, so assuming that the senate would not concur with the house, which I think would be likely, then it would go to conference committee. Just so you all know, conference committees, for those who may or may not know, don't occur in public. You don't know when they're meeting. You don't know where they're meeting. Only certain staffers and the members themselves that are assigned to the conference committee are allowed in that room most of the time.

[9:23:30 AM]

So that be is process we lose a lot of ability to impact that discussion. Not that we don't impact it through conversations and so forth, but we're entering that part of session where the openness and committee hearings and so forth declines and the most quick and fast in our ability to move and access people becomes harder and harder. Sanctuary cities as you all know, was signed by the governor on may 7th. The bathroom bills right now, the house bill did not make it out of the committee by the deadline. And sb 6 still has not been referred to a house committee. So those are not moving. Tncs recently got some movement. It was voted out, hb 100. What they did in the senate is they just voted out the house bill. They did not ♪ out either senators' version of the bill. It will be headed to the floor. It was placed on the senate intake calendar for the first time on may 16th. It still has to be placed on it one more time before it depose to the floor and can be discussed on the floor. Short-term rentals, the house bill did not make it out of the committee by deadline and the senate bill was just referred to house urban affairs on may 9th. Again, that makes that senate bill still viable. We are still making sure that the committee members understand the city of Austin's position on this bill. We are very closely monitoring amendments on this bill, for this bill. This is one where again you could -- you have to watch other bills to make sure that language like this doesn't get inserted into those bills. Fair chance hiring I think I already discussed.

[9:25:32 AM]

Annexation we've discussed a little. Again, now we're focusing on sb 715. The last date there is may 10th it was voted from the house committee so it is now headed to calendars, and we're working the calendars committee and also all the floor votes on that one, and just to allay expectations, the vote if it

happens is going to be very tight. It's going to be a very close, tight vote. So this may become new law. Linkage fees is moving through the senate. It was just voted out on may 15th out of the senate business and commerce committee. It will now start moving to the floor as well. Homestead preservation districts, you remember these are the bills where we were attempt attempting to fix our population bracket for these two bills. Both the house version and the senate version are moving along through the process and we continue to push on those to move them forward to make sure that bracket is fixed so the city can access this tool for other homestead preservation districts. Small cell I believe I've gone over. Speed limits. The one that's most viable right now is the senate bill, and it is eligible to be heard on the floor so we need to see if senator Garcia can get it off the floor at that time to hear it. And you heard it was substantially similar to senator Rodriguez and Israel's bill and it is to lowering the speed limit to 25 miles per hour. These are all the Austin energy bills that, and a status update on all of them. We had some the house bills did not make it out of their committees by the deadline and the senate bills have not been heard. But we are still closely monitoring those. And again, we are still closely monitoring any potential amendment vehicle for any of these.

[9:27:39 AM]

There was recent movement to the lion's menu golf course in that the senate bill had been referred to house and land management. It was not heard in time, but the senate bill is now in the same committee that had the house bill. Historic preservation I believe we talked about. And then the water and watershed bills, a lot of these -- all the ones listed above here did not make the committee deadlines or the calendar deadlines for those bills. So we'll continue, as I say, continue to monitor other activity. And the budget. We are hearing that the conferees are still hard at work. There's still talk about a special session and if there is a special session the budget would definitely be a driver for that if they don't come to an agreement on the budget then they would have to go into a special session. If they went into a special session, you know, you definitely, I believe, would see revenue caps come back as well as representatives and senators can file any legislation they want during special session regardless of the call. So we are hearing that there's positive movement. We do believe that the conferees are working hard to come to a settlement. I think everyone is at the point in session where everyone is ready to go home and be done, but we are still a couple of days away. Here are the next important dates that we're waiting for to happen. May 20th is the last day for house committees to report out senate bills, so if a senate bill has not only been heard, but been reported out by the committee by may 20th, that's the last day for that to happen. May 24th is the last day for the senate to consider all bills, house or senate bills. And then from there on you are having -- running into deadlines for acting on amendments and acting on conference committee resolutions, and may 29th is the last day of session.

[9:29:46 AM]

So 13 days left. That's one day less than two weeks. I'll take it. We're heading into the finish line , and if you all have any questions.

>> Mayor Adler: Any questions? Bree, thanks a lot. Let's do some of the pulled items to see if we can move through those. Mr. Casar?

>> Casar: First of all, thanks for accommodating this. Not trying to cause any trouble. I just wanted to mention even though item number 45 wasn't pulled, I wanted to mention that I think it's good to do it after dinner instead of just setting this at time certain. I think it would just be a good item to bring up later in the evening since I don't think there will be a lot of speakers, but just a few working people and this affects them coming to speak in support. I also wanted to acknowledge the mayor. He asked to be a co-sponsor and isn't listed on the agenda. So we'll add your name as a co-sponsor. And I appreciate your support on that. As y'all know, this bill goes into affect on September 1 potentially, so the litigation efforts are time sensitive and moving quickly. So if there's a will on council to pass this item I think it would be really important to do so on Thursday since we don't have another council meeting until June. I think some folks have asked in the community what's the difference between this and the defense that we all have to put up against the attorney general suit that has all of our names on it. If that case is dismissed or put away with this action and resolution, it directs the city attorney to take legal action as necessary to affirmatively bring relief to folks in Austin and Texas from the bill. So even if that light rail lawsuit from the attorney general went away, this allows us to partake in the affirmative legal action to stop the bill, not just for being wrong, but also for violations of the United States constitution. So thank y'all.

[9:31:48 AM]

>> Mayor Adler: I'm fine with calling it after dinner.

>> Casar: If there are legally sensitive resolutions, I think questions may be best to ask law either separately outside of public meeting if there are legal questions or during executive session on Thursday. But obviously if we're about to enter into challenging this in court we may want to make sure the things we say in open session are vetted.

>> Mayor Adler: Okay.

>> Tovo: Is there a reason why we wouldn't want to set a time certain.

>> Casar: We could for right after dinner, which I guess would be 630. I just wanted to provide the flexibility if for some reason we're moving quick through through the agenda we could try to get in

touch with some of those folks to get with right before 5:30. Ultimately I just want to provide the body with that flexibility.

>> Tovo: Okay. That makes sense to me.

>> Mayor Adler: Does to me too. Anything else on this? Yes.

>> Alter: I wanted to point out that we have a large number of proclamations and other stuff, so 7:00 may be a more realistic time so folks aren't coming early and waiting around, and if the mayor would like to have any dinner it might be helpful.

>> Casar: We'll say 7:00 P.M. For the mayor's dinner.

>> Mayor Adler: I appreciate the consideration, but let's see how it goes.

>> Tovo: My understanding is it wouldn't be a time certain because if you can get in touch with people and they can come down before 5:30 that might be a plan.

>> Casar: If we're wrapping up -- if it looks like we'll have all our items wrapped up by 4:30 or 5:00 then we can see if we can just get folks here earlier. And we'll cross that bridge when we get here.

>> Tovo: I may run out at dinner to try to attend a school performance and I want very much to be here to vote for the bill -- vote for the resolution. I just want to get clear on what time that's going to happen. Okay. We'll move on to the next item. Item number 11, let's see how quickly we can go through the pulled items.

[9:33:55 AM]

Mayor pro tem, assistant arts space you pulled?

>> Tovo: Yes. So this looks like a good -- like a good plan. I had some basic questions that I will try to move through quickly. It's not a lot of money and it sounds as if there's going to be a lot of interest in it. So I would like to have a sense of what -- I know the grants -- the maximum grant is up to 50,000 or something like that, but that would only allow you to help out four venues. So I really wanted to talk about the policy there of setting it at perhaps a much lower rate but with the ability to then help more.

>> Good morning, Sylvia holt-rabb with the economic development department. And we wrestled with this amount and based on our focus group you could either apply for tenant improvements, which included code violation or rent subsidy. So it's going to be up to the non-profits to determine which would be a better choice for them. And we do recognize that it's a limited amount of money. We're hoping that we can stretch it as far as we can, but there's a point system so all the applications will be ranked.

>> Tovo: Thank you. That sounds good, but I think my question is still the same. Why not do, say, 10,000-dollar grants? That would help a lot more organizations? I know there's nothing in the resolution to prevent you from doing that, but I'm a little concerned that these grants like some of our others, are really going to end up being much larger grants that go to larger organizations when we have a need for support for those smaller organizations as well.

>> So for the tenant improvement it is a match so it would be up to 50,000. And it depends on the code violations. We don't want to invest in the organization and then they only are able to address a portion of the problem. We thought going up to 50 if the code violation is large enough that with the 50/50 match they would be able to resolve all the issues and reopen.

[9:36:07 AM]

>> Tovo: I have quite a few more questions. I think I will have to handle them through the Q and a. I guess when we're talking about, say, rent support, if you did \$10,000, that's R. That equates to a certain amount each month, that could make a difference for a smaller organization. I guess I want to get a sense of what the plan is especially for rent stabilization piece of that and will there be -- will there be an effort to try to hit some of the smaller organizations who may be struggling rather than the larger organizations. It's just an ongoing concern I have about some of the grants that we do. We tend to provide grants to the same -- some of the same organizations year after year because they're larger, more established. They have the capacity to apply for grants. And I think we have the ability to really reach out to some of the smaller organizations with a more accessible kind of program and this could be the right opportunity, but I'm not sure I'm seeing language in the opportunity and the agreement and the other backup that really sets that as a priority to help out some of the smaller organizations in our community.

>> Megan wells, cultural arts division. We did have a variety of organizations sized in our focus group. These were not the large institutions that you see in the cultural ecosystem. These were a lot of the small to medium size ones who thought that this would provide them the right kind of impact. The 10,000-dollar range would not give them much relief. Because we're looking at such huge demands on the resources for rent or for code violation addressing needs. So that's kind of where they thought the sweet spot would be. In the future if we don't feel like we're hitting the mark we hope we would have the opportunity to come back and look at where those small organizations feel like they're not being addressed, but the focus group did have some of the smaller groups in it.

>> Tovo: Okay. I think I'll submit some questions about what kinds of needs you will have and the amounts and that might help me understand how that conversation went. I have some other quick questions, but I see my colleague has her hand up and maybe she has a question about that.

[9:38:10 AM]

>> Mayor Adler: In fact, there are a bunch of colleagues up here with their hands raised. We could spend a lot of time on this one. Pitched was next, then councilmember Troxclair, Ms. Houston attend to Mr. Flannigan.

>> Kitchen: My question related to this. First off it's in the context of certainly being a needed and a good program, but my concern is that it's pretty narrow. The resolution that was adopted also applied to artists collaboratives. And on the face of this it doesn't seem to apply to artists collaboratives. So I wanted to understand the intention of this because there's a section about job retention, professional development, career development. That's an organization like an association and those kinds of things. And those are certainly important organizations, but that's not the artist themselves. And as far as -- even artist collaboratives. So I'm wanting to understand the scope of the intent here and I'm concerned that we would narrowly draw this -- I understand it's not a lot of dollars, you know. So -- and there's certainly a wide range of need, but if we're only going to target these kind of organizations right now, what's the plan to fully address the range of organizations that were in the resolution? And also I'm not understanding why this doesn't overlap what we have available for cultural organizations right now, which my impression is includes, you know, right now this kind of activity?

>> Currently within the application process you will receive more scores if you umbrella smaller -- smaller organizations or individuals and extra points for a lot of communities.

[9:40:16 AM]

So we're asking that within your narrative you describe how you're going to outreach and assist those specific groups and individuals.

>> Kitchen: Okay. That doesn't -- my question is can an artist collaborative apply because this doesn't seem -- by an artist collaborative we have a number of collaboratives like the folks that do the Austin studio tour, the West Austin studio 2006 we have the Thornton Road studios. We have other places in the community which are really struggling with their locations and they're being pushed out. So I'm trying to understand if this is supposed to apply to them because on the face of it it says it does, but the criteria is not something that they could satisfy. So I think we either need to be clear that we're not including those kinds of organizations right now or we need to make sure that this criteria is written so that that type of organization could also apply and have an opportunity to be considered.

>> Okay. We can take that under advisement.

>> Kitchen: I have concerns about a whole range of the language in here with that lens in mind, so I will -
- I will share those wording concerns.

>> Mayor Adler: Ms. Houston? No, Ms. Troxclair and then Ms. Houston.

>> Troxclair: So I was trying to remember the resolution. Did it specify where the funding for this program would come from? I know I think it was originally envisioned as a loan program and it's now turned into a land program.

>> It's a portion that you all approved from the budget of the music venue assistance fund. So it was a portion of the 475,000. 200 was set aside for a loan and 275 for permit assistance. So this is the 200 just to address the artist space needs.

>> Troxclair: So it was -- what the council approved was a loan program, but this is a grant program.

[9:42:20 AM]

>> Based on our outreach to the focus groups and analysis we've done based on their 990s and their revenue sales alone, which has not worked with the organizations we feel are in most need.

>> And I guess is there a reason -- would a music venue be able to apply through seed money from this grant funding?

>> Currently it's targeted to non-profit organizations. We do have a music loan program for the music venues. That's a separate program.

>> Troxclair: I guess -- I'm just concerned. I'm just concerned about the -- I guess the source of the revenue. I mean, we have music crisis in our city as well as a lot of venues struggling to stay open and pay their rent. So I'm struggling to understand why we're taking money from the music venue loan program and allocating it to a program that they can't qualify for. If I remember correct -- I know that -- if I remember the resolution correctly, it was kind of trying to address a broad range of arts issues in crisis. And so why-- so can you help me understand that?

>> Well, the way the resolution was written it talked about creative arts space and because we already have a loan program for the music venues, this was targeted specifically for other creative non-profits.

>> Troxclair: And the most appropriate funding was to take it from music venues?

>> That was approved by council, the funding from that fund.

[9:44:21 AM]

>> Troxclair: During the budget.

>> During the budget process.

>> Mayor Adler: During the budget. And there was a subsequent resolution that we passed that had the 200 provide transitional funding for performing arts and creative affordable space needs. I agree with you the priority needs to be on the music venue. That's a bigger thing. And my hope is that the most appropriate place to get the scale of dollars we need is going to be through the bond program that we competed for and won and the hope there is to raise many millions of dollars to be able to put against the creative -- the iconic music venues. And that's continuing to move forward. It's a scale issue, dollars of this amount just couldn't really put a dent in that, even though that is a huge issue. But this dollars was already designated by this council twice both during the budget and in subsequent resolutions provide transitional funding for performing arts and creative affordable space needs. The only reason this is coming back to us rather than being implemented is because the request is to actually make grants in addition to loans and the staff felt like they needed to come back to council to make that change. Ms. Houston?

>> Houston: Thank you. And thank you for your work on this. The part that I'm not seeing in here and I may not be reading it correctly, is the tenant relocation grants, there's nothing in the documents that I've read about the landlord or the property owner. So if you could point me to in a prior life I coordinated the in-home and family life program for the state of Texas and we always had to get buy-in from the landlord and they had to agree not to raise the rent and not to evict after whatever the number of years are so the general revenue dollars transitional funding the state that went into approving someone's apartment or living condition, we knew that that rent was going to stay at that level and that they would not be kicked out after we improved their property.

[9:46:33 AM]

So I didn't see that in here and again, I may have missed it, but I don't see anything about the responsibility of the landlords.

>> In the section under the review criteria it is a requirement to have at least three more years left on your lease and in crafting our contracts or agreements, the landlord would definitely have to be in agreement. We've consulted with legal. So all of that will be a part of the agreement.

>> Houston: It seems like the landlord's responsibility should be somewhere in this document. So that I would be asking the question that they have to agree not to raise the rent and not to evict the tenant after we paid for the improvements.

>> We can take that and consult with legal on how to strengthen that section.

>> Kitchen: I had one follow-up question.

>> Mayor Adler: Okay. And then Mr. Flannigan.

>> Kitchen: My follow-up question, I want to make it clear --

>> Mayor Adler: I'm sorry, you've already gone.

>> Kitchen: You want to go first.

>> Mayor Adler: Mr. Flannigan.

>> Flannigan: I shared very similar concerns to my colleagues on this item and I don't fully have my head wrapped around the economics around this. I am concerned about subsidizing rent. It does not seem like a sustainable program. I'm much more inclined to support low interest loans that would allow an organization to buy property or even the assistance to fix code violations that's more of a capital assistance where you get that funding in and then we've done our job and I really like councilmember Houston's discussion about working with the landowners if we're providing code violation assistance to renters, there should definitely be some conversation or process at least. If the code violation was related to just the improvements that the tenant did, I can see how that might be complicated, but nonetheless, I have mostly my concerns are about the sustainability of this program. I want to make sure that we're providing access to new and upcoming groups that we're not limiting it to the large ones, but what we're doing is helping these organizations build a long-term sustainable model and not find ourselves locked into just subsidizing rent in the long-term for these organizations.

[9:48:46 AM]

>> Kevin Johns, director of economic development. We looked at this with the same lens, of whether this could be sustainable. And we're imagining that this will be part of a more comprehensive look at how we address this. And how we might work with property owners as a potential incentive if they would maintain the venues in those locations at a reduced rate for a certain number of years, much in alignment with what you and the councilmember are saying. We're also looking at the sacred places and trying to open upchurchs for musicians and artists. So this San Francisco model which we've brought back to you today has been tested out and they do provide ongoing funds, but like you were looking at the limited dollars that are available, the loans won't work for these types of non-profit organizations and looking at the San Francisco system that we're going to have to look at the existing resolution that you've asked us to look at chapter 380 as an additional way to to deal with the music venues, the for-profit organizations and the non-profit organizations.

>> As part of the application process the non-profits will have to submit a three-year business plan and we are going to be providing technical assistance to ensure sustainability. So it's not just that you're going to get a grant, but we want to understand how you're going to survive half the grant period is over so we're going to be providing technical assistance to them.

>> Mayor Adler: Mayor pro tem, do you want to run us through your questions?

>> Tovo: I'm just going to lay out some of my other questions that I'll be attempting to submit through the Q and a process.

[9:50:56 AM]

I want to be sure I understood the function there of having a

[indiscernible] Connection. Whether there would be an emphasis on the tenant improvements being related to things that could improve energy efficiency, to me that is kind of a sustainable change if it's not evident to me looking at this that it's working with our Austin energy programs that are aimed at kind of sustainable long-term reduction of costs. I think a three year seems to be lengthy. Would it be in a lump sum or would it be paid out over time. I'm not clear how the version changed from one to another. I think we got a backup questioned are and it was a quick question because I kind of annotated the other one. How will arts be defined? Will given the date that organizations will be eligible if they have been displaced since January 1st, 2017. So if they've already been relocated successfully into a new location I'm not sure why we would be providing them with funds to help them retain their previous location. Will there be a particular emphasis. I didn't see in this the criteria, so helping groups stay in locations based on the length of time they've been there. Will length of time and the location factor into the judging criteria? Will organizations that receive this funding also receive funding through our cultural arts program? What will be the criteria that the grant review committee would use to make exceptions to the city's living wage requirements? So that's for starters some of the questions that I had for y'all today.

[9:52:59 AM]

And I will again submit them through the Q and a process and I've already indicated the one about the size of the grant. So generally I'm very supportive of this, but I agree with the comments that have been raised on providing funding. We want to be sure that those tenants will stay in place and that the property owners won't then flip and use those great improvements that the city has helped support to

attract new tenants and also again I think we have some other programs that could be very -- work well with this plan and I would look to Austin energy for more information on those.

>> Mayor Adler: Okay, thank you. Pitched, did you have something -- Ms. Kitchen, did you have something else on this?

>> Kitchen: I had a quick question. I thought I heard you mention that it was -- I don't know if it was work group or you just reached out to different organizations. Did I hear something like that? Can you tell us which organizations you reached out to or perhaps provide a list?

>> We can provide a list. We held two focus groups. So we can provide that detailed list.

>> Kitchen: Okay. Were there arts organizations included? Was the west Austin studio tour and the east Austin studio tour included?

>> I don't believe they were at the focus groups.

>> Kitchen: What about the creative arts alliance?

>> Yes.

>> Kitchen: All right. I'm concerned that there were artists as in, you know, creative artists included, so the east Austin studio tour and the west Austin studio tour are two of our biggest organizations that support artists, and I'm concerned that they were not included.

>> That organization -- both of those events are run by big medium --

>> Kitchen: So big medium was included?

>> They were on the board. They weren't able to make the meeting when we had it.

>> Kitchen: I'm concerned that those are the kinds of organizations that I'm not seeing included in this criteria.

[9:55:00 AM]

So anyway, thank you.

>> Mayor Adler: Okay. Thank you, let's move to the next item. Thank you, staff. Item number 12, Mr. Flannigan.

>> Kitchen: Wait. I'm sorry, one other thing. I'm going to be suggesting some language changes to the backup on this. So I don't know if there's time between now and Thursday. So if there's not time, then I

might suggest a postponement. I mean, not time for other people to understand them. I'll do it and I'll post it. But I just want to give you a head's up if others feel like --

>> Mayor Adler: Do you know what kind of amendment you're going to make?

>> I'm going to make amendments to the criteria for selection. And I'm going to make amendments to make it clear that the range of the types of organizations that would be eligible.

>> Mayor Adler: Okay, thank you. Moving on to the next item -- okay, let's go on to the next item. Mr. Flannigan.

>> Flannigan: Thank you. We're continuing our conversation on the fire budget amendment. One of the questions that we asked last week was about if we were to make a policy change, how long would it take to implement that policy change? I know that it was talked about briefly last week and we kind of moved on from it, but I'm wondering if you had an opportunity to think a little bit more, if we were to say on Thursday or the following meeting, the first part of June, that we wanted to go back to 2007 resolution staff, let's say, which is still four person on most equipment, but not the 2013 grant level. How long would it take operationally to implement that?

>> Councilmember, Tom Bise, chief of staff, Austin police department. For a practical matter we would have to go through and immediately would revise our policies. We would have to then work with our operations section and revise your response model.

[9:57:03 AM]

One thing you need to keep in mind, we have trained now, we've put in our response procedures based on our current staffing model on all those units that we're losing personnel from. To do that we would have to go through a cycle of not only revising our policies, but also running our people through basically a retraining of sorts. They would have to run through exercises. So it would probably take the majority of the summer to get us there to where we would feel confident that when we responded on scene everybody would know their roles because we have moved now for three years in a totally different direction. This would be a turn back to the past. And in that time we've lost a lot of personnel so we have personnel in the Austin fire department who know nothing other than our current response model. Those people would have to be retrained to do different roles and restrictions on response to the fire situations.

>> Flannigan: Okay. I'm just trying to figure out at what point this conversation needs to really get serious. If there's not time to implement this before the end of this budget then maybe this is a conversation for the next budget cycle. There are other questions that we've asked for budget Q and a about the use of overtime and the process that that's done and how many times vacation is triggering

overtime, even you should the current staffing levels? We haven't gotten those answers yet. Do you have an update?

>> Yes, councilmember Flannigan and the councilmembers, ray Arrellano, assistant city manager. We have met over the last couple of days to try to get those answers. We're driving to get those answers by the end of today.

>> Flannigan: Okay. Actually, like five of them are already posted. I think we're just to the point now where we are sort the request that came in from councilmember alter over the weekend. I'm sorry, Rene we gave them numbers within the budget q&a process and they're sitting in there.

>> And I just also wanted to add, in regard to trying to make a transition to a different staffing model, not only is it the operations part, you know, that's really important, but there's all the support parts that go along with that, too.

[9:59:15 AM]

Particularly communications and the dispatch part of it. All that has to be changed in regard to when an incident comes in, who gets sent, what unit, how many people, and we have to send different units. So there's a whole lot of work that has to go into when you make even a very small change like that or -- small change, that not being a small change.

>> Flannigan: I understand and I do appreciate that. That's what I'm trying to get, to at what point am I making a bigger issue that's before us that covers through the end of the budget cycle or is this a longer term conversation? At least for that question that's what I'm trying to get to.

>> Mayor, should I go ahead?

>> Yes.

>> Alter: Thank you. I'm passing out the questions that I shared over the weekend, which are posted to the q&a, and I'm happy to hear that we'll have answers by end of the day. I did want to share a couple thoughts on that so people understand what it is that we're trying to understand. So there are three broad questions that I am trying to drill down into. First of all, what are we actually spending these \$3.05 million dollars on? It just says overtime. We don't really understand what we're spending the money on. What are the opportunity costs of this decision? When we spent \$3.5 million that comes from somewhere and there are trade-offs involved and we need to understand what those are at this point in the process? There are implications for our future budget. Why and how did we end up in a situation of relying on so much overtime ton funded out of our reserves? I'm going to trust that these questions will be answered through q&a. I'd like to ask the city manager if that's happening today. I

understood it was on our agenda tomorrow for the budget. Will we have a chance to ask further questions of the information that comes back today tomorrow?

>> Yes. You'll have an opportunity to ask questions.

[10:01:17 AM]

Got a full presentation on public safety tomorrow.

>> Alter: Okay. Then for right now, for the purposes of the work session, I'd like to see if Mr. Van eenoo could come up for a minute, please. So I expect you may be contributing to the answers that are coming back on this, but one of the things that maybe I didn't emphasize enough in my questions that is really -- I'm struggling with is, no matter which way this goes, it seems like we've set ourselves up to either put ourselves in a fiscally bad situation or a literally dangerous situation. And I'm trying to understand, what was the plan if we didn't have the reserves to cover this? What would we have done at this point in time? I mean, we knew this, it seems, going back a long time, that we were gonna need this overtime, and now we're coming to ask for this and we just happened to get our update on our reserves so that we could fund it. Can you help me understand from a budget perspective what's going on here?

>> Well, first of all, we reported in January as part of our year-end quarterly report, which is an unaudited report but it's a report that comes out prior to the year, before the certified annual financial report, we put out our quarterly report saying this is how it looks like we'll end the year. In that report we projected \$3.9 million surplus by the time we went through the audit process and the audit was finalized by April that increased to 5.8 million. We really newbie middle to end of December we thought it was gonna be about \$3.9 million, by the time we finalized our report and gave it to council it wasn't until sometime in late January that report would have come out. By the time we were even having discussions about the fire department about the overtime issue continuing and getting worse, staff-wise, we already had that information.

[10:03:24 AM]

In regards to your question, if we weren't fortunate enough to have that year-end balance, I do think it's important to understand that at least in my time with the cities that never happened because we do try to take a conserve posture on our revenues and expenditures, so for us, a conservative pore posture on our revenues, if we think sales tax might come in at 5% for the year we encourage council to budget three or four to be more conservanciative on those estimates so to the extent we miss the mark we want to miss it by a little more. On the expenditure side, with fire being one exception because of the

overtime issue, typically our departments end the year having spent 99 to 99.5% of their budget. Almost every year we have some surplus because of the conservative nature of our budget process. If we were to not have a surplus and find ourselves in this situation you really would have had a couple options available to you. You could have chosen to still ghee your reserves, but come below the 12%. So the policy says your goal is to have 6% set aside for emergencies, another 6% set aside for budget stabilization and it's worded as combining those two reserves should be 12%. It doesn't say they have to be, doesn't say they shall be, just says they should be. It's stated as being a goal. Council could make the decision this is such a severe situation we're going to allow our stabilization reserves to come below 12%. That's always an option you have available to you. Another option would be to say we're not seeing a way -- the fire department has already taken action to mitigate some of this impact. Short of those actions we would be coming back you to asking for probably closer to 4 million or even more but they've done things internally to say we can defer this expenditure, not do this training not go to that conference. We could expand that to other general fund departments and say, hey, we have this issue in the fire department, we need all our general fund departments to do this kind of action and find every place you can cut money this year to avoid having to dip into our reserves.

[10:05:37 AM]

And, you know, and then the third possibility, depending upon the situation, would be to simply say we're not going to do this four-person staffing thing anymore. As you've heard that's not a practical solution given the time of work and the amount of time it would take to make that transition. I'd say those would be the universe of options we would have before us. We think the best option, given where we are, would be to use that year-end surplus. So when we brought the budget forward to council, we were spot on at 12% combined reserves. As a result of our budgeting practices and how we ended the year that reserve goes up to 12p6. Even with this action the reserve goes from budgeted level of 12% up to 12.2. So we'll still be, as we're looking forward to the fy13 budget we'll still have a little reserves over and above the 12% level that we could use as part of our budget balancing efforts.

>> Alter: So what are the opportunity costs, though, of using the reserves on this versus something else? I mean, am I right that -- so that would be --

>> Every budget decision is about what we're going to spend the money on and equally so what we're not going to spend the money on, every budget cycle, every midyear decision you make is all about that. This decision to spend three and a half million dollars out of our reserves now for this purpose means as we're sitting down with you as staff is first preparing a budget proposal for fiscal year '18 and sending to council and you're reviewing and deliberating it it's three and a half million dollars that won't be in the reserves that potentially could be used for other 1-time funding needs. So, you know, I'm just looking around the table. I can't remember the tejano trail was something we used one time funding for, Austin school designate, parent support specialists. We used that for a lot of political initiatives such as that.

We also used that fund to fund technology needs, equipment needs, you know, air bottles, breathe apparatus, things that our city departments need in order to do their jobs.

[10:07:45 AM]

Without that reserve, what we've been doing in recent years is increasingly relying on debt, you know, particularly if we have to replace police cruise I recognize. A lot of times we'd like to buy those types of equipment out of our reserve funds, but if we're right at that 12% cap then we don't have -- or flooring we don't have extra reserves we can use for things like police cruisers or other vehicles we might need and so we'll result to issuing contractual obligations to buy some of that equipment so it increases our debt load. So absolutely, there's always that opportunity cost of what other things could we have done with the funds had we not made a different decision.

>> Alter: And this is not the first time that we've had to do this? How many times have we gone over in the last several years?

>> Specifically --

>> Alter: Specifically --

>> Every year, we've always managed to bring the general fund in under.

>> Alter: Sure.

>> You know, but with the the consent decree went into place and saw or vacancies go from probably more in the range of 50 to 60 per year shooting up to 90 to 100, now heading towards 150, for the last four years we've been chasing our tail on this overtime issue. For the last four years actually the fire department has -- we've it this issue. I think four areas ago it was about \$80,000. I think three years ago, like, 2 million, last year it was 3 million, this year it's three and a half million.

>> Alter: I've remained concerned about this trend. I look forward to the rest of the answers to the question in our discussion -- and our discussion tomorrow, unless there's anything else you'd like to add that would help us to understand the decision before us.

>> I think councilmember Flannigan had the point too, there's the now issue and not seeing a whole lot of different or better options for the now, and then there's the longer-term issue for fiscal year '18 and beyond.

[10:09:45 AM]

I do think those are to some degree different conversations because what we can do now is different than what the options are longer-term. And so -- and this topic has been one of our policy discussions. It may come up again during our public safety discussion and something we'll have to decide upon as we go through the fy'18 budget process as well.

>> Alter: Thank you. I look forward to the rest of the answers.

>> Houston: Thank you. I just want to be clear that this 3p5000000 will come out of the one-time only from reserve funds so it will not be baked into our 2018 budget?

>> That's correct. So, you know, we would -- this action is simply taking money from our reserves and adding it to the fy'17 budget. Whether or not that gets included in the city manager's proposed budget for fiscal year '18 is yet to be determined and of course whether or not council chooses to include it or not in your fiscal year adopted budget is yet to be decided. This doesn't have any impact on that decision.

>> Houston: Just wanted to be clear that we didn't inadvertently bake something in and then we come back and in the proposed budget of the city manager's proposed budget and we've got a 3.5 million now that we'll have to find out of general revenue and you said no.

>> We don't have to, no. That's not been decided.

>> Mayor Adler: Ms. Troxclair.

>> Troxclair: Just to follow up on that question, unless we change -- I mean, as councilmember alter's question kind of pointed out, this has been an years of needing additional emergency funds. So unless we change the policy going forward, I mean, unless we change the policy, it is going -- this is going to have an impact on the budget next year.

[10:11:50 AM]

I mean, no, we -- just like anything in the budget we're not -- we don't have to spend the money until the budget is actually adopted, but unless we you make some kind of change we're continuing a policy that we know is unsustainable for the amount of money that we have allocated to that department and unless we take a different direction the city manager is going to have to include an appropriate level of funding to meet the staffing needs of the department. Right?

>> I think we absolutely will. So, I mean, you're absolutely right. And depending upon that decision -- I don't know if I'd say policy decision because the policy action taken by the previous council was four person staffing on engines, four person staffing on quints, three person staffing on ladders and two person staffing on rescues. That was the 2007 resolution that's been discussed. When we received the safer grant in 2013, as part of the discussions on accepting the safer grant it was talked about with

council this would allow us to exceed the 2007 resolution and go to four person staffing on all equipment. I know a ar or acm has discussed in the past staff feels the decision to exceed the two resolution was a staff-driven decision and staff may choose as part of the '18 budget to go back to the 2007 resolution. So you're right, that the budget needs to be set to match the policy decision, but I think that decision is something that the city manager will be deciding in recommending the budget to you on August 2, and of course council can change that recommendation prior to adopting the budget in September.

>> Mayor Adler: And -- go ahead.

>> I wanted to add to that that we are working diligently on trying to normalize our staffing, which is -- it's the big cause of the additional overtime.

[10:13:56 AM]

But I want to remind you all that we are under consent degree and we have to work within the confines of the department of justice. But we are doing everything that we can to make sure that we are able to normalize, Luke I said, our staffing levels, and we will not have these -- this peak of overtime. If you look back at some of the charts that have been given to you, you'll see that when we are -- our vacancy rates were at 60 or 67, our overtime needs were more Normal. They were in the 5, \$6 million dollars range, not in the \$20 million dollars range.

>> Mayor Adler: I'm going to be anxious to see kind of the five-year plan both in fire and police and ems -- I'm sorry. I'll be anxious to see the kind of five-year plan in both police and fire and ems because there's some long-term goals we're trying to reach, normalizing the numbers here, being able to see what it would look like over time and to be able to get to the matrix numbers in community policing so that we're not just looking at a one-year decision which seems -- I'm not sure how we're going to be analyze that without the context of a longer period so we can see a context for it. I'm anxious to see it when that happens.

>> I hope we have a good presentation lined up for you tomorrow to help facilitate that discussion. We're certainly trying to accomplish that piece of it.

>> Mayor Adler: Okay. Mr. Renteria.

>> Renteria: I'd like to make -- you know, we got into this problem because this plash department has a history of not being able to hire minorities. I just seen the recent promotion that just happened, you know, to captain and there were no minorities promoted. This is what's going on. If we weren't having such a big problem with recruitment, we wouldn't be in the position that we're in right now where we have to go through the federal government and they have to come down and enforce their policy on us.

[10:16:07 AM]

So, you know, we really need to start looking at the top management of this department and see whether, you know -- what are we really gonna be able to fix this problem or not.

>> Mayor Adler: Ms. Houston, Mr. Flannigan, Ms. Alter.

>> Houston: Did you say me? I'm going to thank councilmember Renteria because this is not the first time, as I said before, that the fire department has been on the consent decree in the city of Austin so obviously we didn't learn from the last time and we keep repeating it. Some of this could be because of the collective bargaining agreement. I don't know. Because I'm not a part of that. But the consent decree this time was -- when was that in effect? The date.

>> June of 2014.

>> Houston: Of 2014. And y'all didn't have any overtimes before the consent decree, additionally overtime? You and may have given it to us in the past and I don't have all that and I can't keep it all in my head but were y'all experiencing overtime -- increase in overtime pay prior to the consent decree?

>> The increases do correlate with the year the consent decree went into place. The vacancies started to grow about that same time.

>> Houston: But you did have some prior to that?

>> Yes.

>> Houston: Okay. I just want to be clear because now it's all the consent decree's fault that y'all are in this situation when y'all were having some overtime issues before the consent decree. It's just kind of increased by then. So I'm not sure what the collective bargaining -- we're still in that process, I would suspect. I'm not sure what that does to how we resolve ongoing, some of the issues that may also have an effect on why we're unable to fill positions in a timely manner. So I'm looking forward to whatever you give us tomorrow.

[10:18:11 AM]

>> Mayor Adler: Mr. Flannigan.

>> Flannigan: Ed, can you help me understand what you said before? Every year we're coming back with midyear adjustments to increase overtime for fire? Is that what you said?

>> I think in previous years if my memory is correct we reported to council but didn't actually come back for the midyear amendment. We reported on quarterly reporting that we're projecting the fire department is going to over budget but we're projecting overall the general fund will have enough money to absorb it. I don't personally believe and I think the city manager agrees with me that that wasn't the best way to do it. The best way to do it is to come back to council, say, hey, we have this issue, the fire department is going overbudget, only council can approve appropriation so we're bringing the budget amendment back to your recollection which I believe is a proper practice for us to follow. But in fast years we have not actually come back with a midyear amendment to add money to fire's budget.

>> Flannigan: So in past years, as you've identified, the fire department going over its stated budget and not coming back to council, it then does get baked into the next budget that those costs are going to be happening?

>> We did. And so I think, you know, last year we reported to council that the fire department was projecting to go over its budget by \$3 million dollars as a result of overtime. We also reported to council during the -- about this time of the year, during our financial forecast that we were adding \$3 million dollars to the fire department's budget in fiscal year '17, current fiscal year, because we were projecting that trend to continue. So we did that, and council knew it and council approved that, and it was presented in the forecast. It was presented when we delivered our proposed budget to council and ultimately council approved that additional funding as an ongoing matter through the budget. Of course now we're back saying that wasn't enough. Again, we've been chasing our tail on this overtime issue. We have just not been able to get ahead of it yet.

[10:20:11 AM]

>> Flannigan: This is more of a rhetorical question but I'm hoping you can provide the actual data to know every year what that overage was going into the past, the part that you didn't have to come back to council for, that maybe you should have but you didn't, but the part of fire going over its budget was absorbed? Is that identified? Is that a number we can get to for previous nugget.

>> Absolutely. 2014 it was 80 some thousand, 2015 it was 2 million and change, 2016 it was 3 million and change, and this year we're projecting about three and a half million. But this year we would be coming forward with the budget amendment which honestly is what we should have done in past years. We just didn't.

>> Flannigan: So this only happened the last two years.

>> The big overage as a result of overtime, yes, the last two years. In regards to the consent decree and correlation, 2014 is when the consent decree passed, that was the \$80,000 overage. By 2015 it was 2 million over. By 2016 it was 3 million over. Now it's 3.5 million over and the number of vacant positions

has really skyrocketed at the same time. It absolutely is not just a result of the consent decree. It also has to do with unless dented number of just people retiring. I think, you know, these guys would know better than me but maybe they used to see two to three retirements a month. Now they're seeing four or five and you can't fill those positions at the snap of the fingers. You actually have to go through this whole process of recruiting them and training them before then actually get out onto the floor. If the answers to my budget questions were answered they're not on the website. Those answers still say pending.

>> They're going to be today too. They're gonna be today too.

>> Mayor Adler: Ms. Alter.

>> Alter: So what year was the last contract?

[10:22:16 AM]

>> So it was June of '14, and we are currently starting or will soon starting the negotiation process for the next contract.

>> Alter: So that also coincides with the consent decree so I have several questions in my questions about things in the contract that might be driving overtime, and I would like to better understand whether it's the contract or whether it's the consent decree or some combination of those. So, for instance, I've asked for information to try to understand the overtime that's being driven by vacation counting as productive time, and I think those should be numbers that are there. I don't know where that's going to come out but I would feel better understanding how much of the overtime is being driven by counting vacation as productive time. I've also asked several questions with respect to special events and trying to understand how overtime is counted, you know, for their regular duties when they're doing the overtime and whether we're charging enough for our special events, in terms of the overtime. You know, there has been also an increase I think in special events over that period, and it's important that we really understand what's causing this. Obviously there is a problem of recruitment that has to be addressed, but I don't know for sure if that is the sole cause of the overtime, and if our goal is to resolve the overtime issues both for the safety of our citizens and the safety of our workers and for our fiscal safety, I think we need to understand those things. So I hope that that information will be there. And I, too, would very much welcome the information that councilmember Flannigan had mentioned to try to understand how much we've added for overtime, you know, if it's -- if we've already captured in fiscal year 2017 the 2 million from before and now we're asking for another 3.5 million we're actually asking above and beyond what we think is just Normal overtime to balance things correctly, and I think we need to understand that magnitude so we're not just repeating that year in and year out because it does constrain us and does make it so we don't have money to spend on other things.

[10:24:25 AM]

>> Mayor Adler: Okay. We're done with this item. Thank you very much. Next item, mayor pro tem, you pulled this one?

>> Tovo: I did. I guess I have -- I'd like to have a longer discussion about this but I know we don't have time here today. I'm not sure really what the best plan is for this, but this appears to have a lot of the changes that we discussed or contemplated, not all of them but I just wanted to share that I continue to have concerns about some of these changes. Let me say, too, I think we should all try to communicate out on the public this is on Thursday's agenda because the change from three minutes to two minutes will be significant to some people and I'm not sure how many people who have -- how many people have that on their radar. As I understand it, the rules will make that change. I happened to mention it in a meeting that I spoke in a few weeks ago and people were really -- the looks on their faces were shocked, people came up to me afterward so, again, I think that that is -- some members of the public will regard that as a pretty big change and we should probably try to communicate that to them. I think from my perspective, I can -- I would suggest we keep citizens communications, if not where it is, at once a month. I think it's going to be very hard for people to try to remember whether they've spoken once in six weeks. Right now it's three weeks. I would change it to a month, once a month. Or once in a calendar month or whatever language makes the best sense. I just know myself, I have I have a coupon to use once a month and I'm forever calling the place did I use it this month? You know, and I think if I had to track it every six weeks I would really be struggling to do that and I'm sure our citizens will be as well. But the change that I think is the biggest one that is really fundamental to what we're discussing here is the one that backs things up two weeks and I'm not going to be able to support that.

[10:26:33 AM]

I've thought a lot about it, we've had discussions here about it. I am imagining what it's going to cause some real logical challenges for us, not just in terms of the speed at which we can bring forward items. I think we'll have discussions about whether something was appropriately posted on an addendum. I think we'll see more addendum and that makes it difficult for the public to follow what's going on, makes it impossible for us to talk about it at a work session. Again, I think we're going to spend council time talking about that. If I had to post something two weeks earlier my guess is I would have to make revisions so we'll have multiple drafts of things from staff and council and, you know, just in the months we've been talking about this I've watched and frequently I'm asked to sponsor something on Thursday, Thursday evening, Friday. Sometimes those things haven't been posted on Wednesday. And they haven't been -- the resolutions haven't been circulating on Wednesday. So a good intermediate step for me would be that we just agree as a group that we're going to stick with the rules we currently have, which is to post with resolutions and all backup on Wednesday. You know, and get those materials in.

Rather than pushing everything back two weeks, causing what I think is going to be a lot of our -- tying our own hands and ability to respond quickly and some logistical issues that are going to have a lot of impacts I think on our time, among other things, I would true, all of us, sticking to the rules that we currently have. I'll say I've done it myself. I was circulating something last Friday that we then decided to hold back. So if we came up with that as an intermediate step I think that would help.

>> Mayor Adler: Mr. Flannigan.

>> Flannigan: I have a little different perspective than the mayor pro tem. I'm in -- in very much agreement with using a two-week schedule. It wouldn't push things out two-week. It would push them out one.

[10:28:34 AM]

There are seven other items on this agenda I could have pulled today that I wanted to talk about but didn't because it would predominantly questions I had for staff that I could do in private meetings with staff, make sure those questions were answered. But because of the timing, there's not enough time to get staff respond to go my q&as for that -- for us to have a conversation was a group today. And ideally, something gets posted on the agenda, I can post questions for staff or meet with staff in the interim week and that way I have all the answers I need so that this time, when we're in work session, is as productive as possible, talking to each other and not just talking to staff and it's my hope that we can go to this two-week model is a so that all of the processes that we use with staff become more efficient and we're not having what we've had on fire, which is delay a week and then realize we still don't have answers, delay a week, realize we still don't have answers, delay another week. I think it would give us an opportunity to take the first week of a two-week pros and really get questions answered with staff and get D and that last week is really about us debating with each other and work session on Thursday. That's where I'm at, certainly on the two-week thing. Some of the other items I agree with you, I don't think we need to worry about the citizens communication time. I'm not necessarily concerned about two minutes versus three minutes. I think it's probably better to allow the community to speak and I think when you look at the analysis we've seen in the past it really only gets to be a long amount of time in fairly rare occasion on highly controversial items. So I don't know -- I think it might upset more people than it would solve problems on that side, but the two-week one I'm definitely in favor of.

>> Mayor Adler: Mr. Casar.

>> Casar: Mayor, quick question and maybe I misunderstood what mayor pro tem and staff said. Does this change it so any citizen signing up is reduced from two thins to three minutes or is it when you're donating time.

[10:30:41 AM]

>> Mayor Adler: Only when you donate time.

>> Tovo: Thanks for asking that. I did misunderstand that. I appreciate it.

>> Casar: In that case I think the staff put together the list of how often people are donating time and it seems like that -- it doesn't seem like that significant of a change but it may cut down a little bit so I'm -- currently don't have a really firm opinion on that. I would be opposed to reducing from three minutes to two minutes for everyone but on this I think it seems a more minor change so we should make sure folks don't have a misunderstanding because I got a little bit nervous.

>> Tovo: I appreciate you asking.

>> The primary speaker stays at three minutes and the only change occurred with the number of citizens who could donate to the primary speaker and how much time that donation counted for.

>> Mayor Adler: Okay.

>> Mayor Adler: Ms. Pool.

>> Pool: And the donors are within the first 20 so we don't have that confusion on whether they actually have more than one minute or only one minute. Is that right? That was the other adjustment on the donation of time?

>> That would work the way the mayor is currently doing it. If they're within that 20 -- if the primary speaker is within that 20 -- first 20 speakers, then they get the allotted full-time donated to them and then it's after that I think he's cutting it down where everybody gets a minutes that donating time. But --

>> I believe it's people in the first 20 who sign up it's a two-minute donation and then the next is a minute donation.

>> Pool: That's great. Thank you for that. My confusion was I thought it was just people -- that the only people who could donate were the ones that were in the first 20.

>> No.

>> Pool: That's great. Thanks.

>> If I may make a suggestion on the citizen communication? It may be easier for the citizens just to leave it as it was, to not speaking more than once every three regular scheduled meetings.

[10:32:44 AM]

They're used to that. Most of them know that cycle and have kept up with their calendars and they know when they're eligible.

>> Mayor Adler: Either that or once a month made sense to me just because in addition to those people -- other people. But I thought that sounded like a good compromise. I wouldn't support going from three to two for everybody but I think on the donated time I think that struck the right balance there. A lot of these are trying to strike the right balance and as we demonstrated by council we'll continue to try things until we find the right formulas. And I also support the two-week out period just because it's just so hard on the weekend before trying to get everything done and it gives more time to get responses back from staff as well. Anything else on this item? Yes? Rey, did you have something you wanted to say? Your light was on.

>> Oh, no.

>> Mayor Adler: Ms. Alter.

>> Alter: Did you want to finish your questions first?

>> That's okay.

>> Alter: Okay. So I had a question about the consent agenda. It says that we can't put it on a consent agenda two-week if it's been considered by standing committee of the council? What is the --

>> When you all have your council committee meetings, we post them, but they are not suggest to open meetings act so the reason that y'all put them on the council agenda and you talk about them is to make sure you meet those requirements so you always talk about them at your council as a full body.

>> Alter: Okay then for the agenda for council meetings it says the city manager shall have administrative duty -- show group agenda items by council committee for an item has not been considered by a council committee, by department or by topic, if we wanted to move to having them listed by strategic outcome, is that something we would need to add, you know, when we're going through this process to give her that authority?

[10:34:59 AM]

>> I think if that's the way you want to do it we could -- you would want to give some direction to manager about that and the only other thing we'd have to be careful of is things that have to have a certain time, like our zoning questions we would do differently.

>> Alter: I'm wondering if that should be baked into this draft of the procedures or if we want to -- we can revisit it later. It was just an omission that I noticed. And then -- and maybe the city manager can let us know if she wants it in there now. It may not be ready yet at this point for us to be doing that.

>> It's fine if you put it in there. We may not be ready to implement it immediately, but if you've noticed there's been a couple of council agendas where we've segregated the transportation mobility bonds, where we've had several contracts that we were letting so that we got a better record of when we're adopting contracts that are related to the bonds that were passed in November. So we would like to have as much flexibility in posting and grouping the postings as possible.

>> Alter: Okay. I just know that that was a goal that we had talked about for helping us to focus on those. And I was wondering on page 5, under section 117e, it says that the presiding officer should not entertain additional public comment during [indiscernible] -- Of a closed public hearing. There have been times on zoning cases when we've reopened the hearing after it's been closed. Is that just a case where we're suspending the procedures or is that something that we have to allow for in this version of the procedures?

>> Well, as you do it now, if you have closed the public hearing, you've alerted the public that they will not be allowed to speak.

[10:37:01 AM]

So if you change that we always advise that you do that early, that you say we're going to reopen the public hearing or you don't close the public hearing. So that would be the same.

>> Alter: So we can do it. We just have to have stated it --

>> Right. Otherwise it's unfair to the public who thinks they cannot come and speak to all of a sudden allow people to to -- come and speak.

>> Alter: Thank you.

>> Mayor Adler: That's a fairness issue, not a legal issue. Legally it's something we can do.

>> Pool: I think the piece about grouping under strategic outcomes we haven't actually agreed to that yet. So I don't know that I would direct or vote to put that in here at this point. I also remain concerned that we end up with everything grouped under one or two or three strategic outcomes but the departments are all jumbled in there because they come under more than one strategic outcome and then the departments, which are discreet units won't know where on the agenda they should be in the room in order for their item to be brought and I think the reason why it has evolved this way is so that transportation knows they need to be here for these five things, finance, budget, for these two things. And I would not be supportive of losing that efficiency in our agendas.

>> Mayor Adler: Okay. Anything else on this item? Ms. Houston?

>> Houston: Thank you. And I'm sorry if you all have covered these things while I was out. Sometimes you have to go out.

[Laughter] On page 5, on page 5 of 2012 D, citizens participation under D, why do people still have to come and sign up down here to register to speak on an item?

[10:39:02 AM]

Why can't we do that via email or on a website?

>> Which item are you --

>> Houston: Citizens participation, d2, speaker registration and sign-up, must register in person.

>> We can work with the ctm to make speaker sign-up available through the web. What we have to figure out is how to build into that the security measures that would prevent the speaker sign-up being used to do a denial of service by someone just hitting against that application through a computer program. And I'm probably not explaining it as good as Steve Elkins could. 2015, someone got the link to speaker sign-up and tweeted it out and we had hundreds and hundreds of people hitting that system on that day, and it does slow down the system and it makes it more difficult to keep it up and running.

>> Houston: I understand that. I'm just saying from a citizens' point of view, to drive down here to sign up and then drive home, not to come back for another week, seems to me like there's technology available that that could alleviate having to get in your car or ride your bicycle down here.

>> They can always sign up on the council meeting day. The I'm sorry stay open.

>> Houston: But then they might be 402 rather than five.

>> That is true.

>> Houston: Just that's something people in the community have asked me, why do we have to go down there to sign up? Then you may have talked about recusal. We talked about that. It's on page 7, to see if we could say that someplace in the document so people know that we know that state law governs whether or not we have to recuse ourselves if there's something, but I think if we're changing these, that we need to say that so people know that we know that we're supposed to be recuse ourselves on some situations.

[10:41:17 AM]

On page 8, under briefings, I'm not sure what C means, a briefing that is normally placed on a Thursday agenda may not be placed on a work session agenda.

>> I believe that was just so that there wasn't duplication on both agendas, but I'll let rey confirm that.

>> Yeah, I would think that's exactly the reason why, just having it on just one day rather than on two days.

>> That would allow the public to know when the briefing was actually going to occur. If it was on both agendas, it may occur on Tuesday or it may occur on Thursday.

>> I'm sorry, I'm confused. Which --

>> Houston: Page 8, under briefings, item C.

>> The only thing I can think of here, councilmember, we just didn't want to duplicate effort if it was placed on the agenda, people would certainly know it was either going to be placed on Tuesday or Thursday.

>> Houston: Maybe some language to clarify that so that's clear because if I don't understand it somebody else is not going to understand it. Then I think -- two more. Page 10, under record of public hearing, do we ever identify transcripts are available? Because it's not on this list. It's audio tape or videotape of the public hearings, but we might want to add transcripts.

>> We can do that.

>> Houston: Okay. And then on page 11, conduct of public hearing on appeal, a, it seems like we need to decide whether the appellant has the standing to appeal before we do everything else. Just a suggestion.

[10:43:17 AM]

Because we decide the preliminary issues raised by the parties to include whether to postpone or continue the hearing and then we decide whether the appellant has the standing to appeal.

>> So will you suggesting under maybe B --

>> Houston: Reordering that to say before opening a hearing we decide first whether the appellant has the standing to appeal and then the council will decide on the preliminary issues raised by the parties. I think that's it.

>> Mayor?

>> Tovo: I'm still working my way through the edits but one other I noticed that I will -- if I get my act together -- propose a change to is son page 2 of 12, 114f, the description in the you rca talked about this change being if council is considering an item before 10:00 we would be allowed to continue consideration of that past without taking a vote to continue the meeting but after finishing that one we could vote whether or not to continue the meeting to consider other items. And I'm not sure I agree with that timing. I think if we're pretty sure we're only going to take up that last item we ought to make that decision before 10:00 and otherwise if we're communicating to people that we're going to only have that one last item and it will extend beyond 10:00 but we won't take up any other items people will leave. It creates a lot of uncertainty about whether or not we'll hit other things and will run the risk of people having left potentially so I think that section needs some clarification.

>> We'll do that, we'll clarify that. I understand completely what you said. That makes a lot of sense.

>> Tovo: Personally, I would want the flexibility to be able to take up other items if we feel like that's the best plan for the night but I want to make that decision earlier and there may be some among the council who, you know, don't want to do anything other than that one item past 10:00 so that might be something we need to vote on Thursday but I -- you know, I've watched council meetings for years and years and so knew what I was getting into a long Thursday on some nights.

[10:45:26 AM]

I'm happy to stay. Again, I think that's something we need to agree on together.

>> Mayor Adler: And we had talked about -- and I think it's a real good practice for us when we come back and are looking at the evening a few hours ahead of time when we'll have a better feel for who is there, what the issues are, I see us making that decision before dinner and then everybody will know and at that point we can discuss what happens if we go past 10:00 so that people know. Yes, Ms. Pool.

>> Pool: I have a question for Ann Morgan. Back on the item -- on an appeal determining appellant's standing, if we move it to before we identify what the issues are, would we would be able to determine someone has standing or do we have to determine what the issues are and determine whether the appeal is proper?

>> I think in order to talk about standing you'd have to have a little information but I think the city employee presenting would walk through that process. I think for councilmember Houston it's a matter of semantics, but the standard will be the same.

>> Pool: Okay. All right. And then the comment about signing up remotely, I absolutely agree with staff that we -- until we can find a way to ensure that the sign-ups aren't hacked, which happened on a zoning case I think it was, and it looked like there were hundreds of people on one side of an issue and very few

on the exponential we knew that wasn't actually a reflection of what is going on in the community or maybe it's str's or.

>> It may have been str's or tnc's, one of those.

>> Pool: Yeah. So it skewed reality, and we have a hard enough time figuring out what reality is sometimes in our community. So I do think that until we can ensure that that wouldn't happen, we need to have people come into city hall to sign up at the kiosk and we have put significant funding toward updating our kiosks and making that a reliable process.

[10:47:40 AM]

We also, though, have inboxes through email and we regularly get commentary from residents from all around the city on all kinds of issues, and so you are not limited only to showing your support or opposition to an item by coming in and signing up, whether you speak or not, on the kiosk. So I don't want to lose that piece in our conversations. We aren't funneling all support or opposition into the kiosks. There are still plenty of other opportunities for people to come -- to comment and communicate with us. And where the -- and I think they do. I think the community is pretty reliable in that and I think they understand how to get in touch with us. There's phones too.

>> Houston: Mayor, if I can just address that. Yes, we have all those options. This is specifically related to speaker registration and sign-up time. That's all. It's not the other means that people have, but we're requiring citizens to get in a vehicle or ride a bus or ride a train or ride something to sign up to speak and then get back in that vehicle and go back home. There is no reason in this day and age that they have to do that once you figure out how to do that. If they can send you an email or send you something, but to require -- and some of my seniors are older and that requires two times for them to come down because they have to come down here to speak because they want to do in public, they want to be present. But in 2017 to say you've got to come down here to sign up to me is antiquated, even for me who is not a technology person.

>> We will -- I'll get with ctm and we will figure out what options there are and we'll send out a memo informing everybody what the options are. My preference is that we don't do it by allowing them to call or send an email because that could mean that then we are processing hundreds of requests that we're having to enter into the system.

[10:49:47 AM]

And so it could get kind of a burdensome task in the clerk's office.

>> Houston: I can understand that. But this is just to say we need to continue to look at ways technologies can relieve citizens of having to drive or come down here.

>> Mayor Adler: Mayor pro tem.

>> Tovo: I just want to be sure that we're not changing the requirement such that if I come down to testify at the meeting I can sign up then as long as it's --

>> No change to that.

>> Tovo: Okay.

>> It's just really providing the ability to make the speaker sign-up system available through the city website so you could also --

>> Tovo: I understand the conversation. I just want to be sure if I'm a citizen who wants to come down and speak I can sign up the day of, I can sign up an hour before my item.

>> Mayor Adler: Yes. Councilmember alter.

>> Alter: Thank you. So I was wondering, this doesn't talk a lot about backup requirement as I read it. Is there anything in here that says when the backup has to be posted? I favor the two-week time frame, but I want to make sure that we have the backup. I know there was one mention with zoning about the ordinance coming in later. How long that be enforced and what are the rules?

>> So it would be handled the same way we do it now. All the final documents are do by the time we post the final agenda so they would all be due a week extra early, apart from like you said the zoning cases would just have staff reports to give the planning commission time to finish what they're doing and staff to put the ordinance together. And those would distill come in the Friday before the -- still come in the Friday before the meeting, staff reports two weeks out and ordinances one week out and everything else you would have already had two weeks early.

>> Alter: In the event that we needed to do an emergency addendum for an ifc or for some staff item, what would be the process for that?

>> I think we were talking about two options, either doing addendums on Fridays so that you still have the weekend, still the same amount of time you have now.

[10:51:48 AM]

The only down side is that if something comes up on the weekend then we have two addendums or how that works. Right now that process is that addendums post on Monday by 10:00 A.M., that way we're

within the 272572 -- 72 hour, do so I think it would be up to you guys if you want to do Friday or Monday but still require that all the final documents are to the agenda office by the time the item posts.

>> Mayor Adler: You could -- I'm sorry.

>> Alter: In the recommendation for the Friday, for the addendum, because that would lieu to discuss those items at the council work session, and if you continue with the Monday postings, that's when you run into the problem of not being able to discuss them at the work session.

>> Alter: Then the other thing that wasn't in here which I think we still want to address are council committees. And I was wondering what you were thinking moving forward for that?

>> I think we're waiting on some more conversation from you guys for that because we're not sure if you did want to move towards aligning committees with strategic outcomes, if you want to keep them this way. You know, staff is not comfortable with deciding how they'll be appointed. I think that's something you guys can decide and then once we get some direction on that we'll be happy to come back with those changes.

>> Alter: Thank you.

>> Mayor Adler: Anything else on this item? Okay. We'll move on. Council, it is five to 11:00, we have about 35 more minutes. I think we should let the smart Austin strategic roadmap briefing go. It's not time sensitive so staff can know we're not going to do that. I don't know what the -- what the -- there's a group of us that are going to leave at 11:30 -- so we're not going to do the smart Austin strategic roadmap at this meeting. Because there's not going to be time.

[10:53:48 AM]

It's not time sensitive. We had a briefing on capitol view corridors. We also have the other items to be pulled. There's a group of us leaving at 11:30, I think probably a majority of the council will be leaving then. And then the question is whether we come back this afternoon. I don't know if we want to try to quickly move through the pulled items and identify issues for the other councilmembers. I think that's what I would propose at this point. Let's try to do that. So let's go through more identifying issues while council is here with each other, than resolving anything.

>> Tovo: Mayor, could I ask you again.

>> Mayor Adler: Why don't you go ahead and do this.

>> Tovo: I'll make this very quick. As I mentioned before we do have some spot on each council work session for codenext, which I think is really important. It occurred to me that we might really focus our conversations more directly on that issue and actually come up with some topics that we might address

from week to week. And so I would propose for next week one, and that is process changes that are contemplated in codenext because they are considerable. There are some changes to the way we do things that would shift quite a few things from a hearing to administrative approval. It would allow for staff to do more waivers administratively. I think it really demands our attention. But beyond that, as I thought back on the rate review case, not the one that we all did, that we did an abbreviated version but when after 14 or whatever meetings it was, the previous, previous council undertook the rate review we realized pretty quickly we needed a more focused process to kind of move us through some of the big issues that we were going to have to make decisions about. What we did in that case was to identify let's say 11 or 14 of those issues, set up a work schedule plan that kind of moved us through each of those subjects so we had designated time to address them, for staff to address them, for us to at least identify policy issues, in some cases maybe some preliminary decisions, and it just I think -- I think brought an order to the process that would be helpful in this case, too.

[10:56:01 AM]

So I just wanted to offer -- I'd be happy to bring that forward as a resolution, though I don't know that we necessarily need one. But I would be happy to kind of put together a draft work schedule if people are interested in posting on the message board some topic ideas or topics. That way I think -- you know, I look at that book and I'm working through it and I know y'all are too, but I'm getting calls from constituents about really I think we all are going to need -- at least for me, I need a much more focused orderly plan for moving through that document and being able to talk with y'all about it, and I think this would help. Rather than just have a generic codenext slot on our session, I think it would be of help to the staff, they would know how to prepare for that day and it would be of help to us. We would know where among that 2,000 page document we should focus our attention for our work session conversation. So I'd be -- again, I'd be happy to provide some -- a draft for that, but, again, I would suggest that next week we might tackle procedures and process changes. We have some community members who have focused a lot of attention on that, too. I think our cag member Susan Moffett has come up with good notes I think she shared with us. Councilmember Morrison pointed out where some of the changes are and I'm sure our staff would be prepared to come through and talk through the rationale in proposing those changes.

>> Mayor Adler: I think it's a real good idea to organize this and I think those are real good suggestions. I think it's good to move it to the message board because I think that other groups have -- of councilmembers outside of quorums are having similar conversation so we could daylight topics. It seems as if one thing we want to address in these two weeks is topics, like you're suggesting. Another one I think is some smaller issues that surface in the community that you see then on social media and this provides us an opportunity to keep kind of a running list of that kind of clarity moments.

[10:58:12 AM]

It's not a big thing, just a clarity moment. And I think we can overlay on top of that the request that the consultants when they're in town keep some time available for us. Some of them I know they're here, some are not. We could identify that the same way so councilmembers would have the ability to ask questions of consultants. So I think it's a real good idea and I appreciate your help in taking the laboring arrow on that. I'd.

>> Tovo: I want to say that was the other real benefit of it, it didn't just help the council but really helped the community so they could zoom in and really provide feedback at that time, an appropriate time or, you know, in some cases they would tune in to learn more about that topic too so I think it was smell I appreciate you mentioning the public.

>> Mayor Adler: Councilmember kitchen.

>> Kitchen: Couple of things. I think this is a great way to move forward in terms of having, you know, specific items that we're going to discuss about codenext each time we talk about it, it's sort of like we've set up a schedule with our budget. That's been very helpful to know how we're going to do that. I do think we need to post what we would like to see on the message board. There's going to be a lot of issues that we want to talk about so the order in which we talk about them we may have to have some conversation about. I'm fine to have the administrative process next week. I think that's important, but I also want to add for next week the timeline. There's a lot of confusion, at least from the folks that I'm talking with, about the timeline. So I want to make sure that we carve out time next week to talk about the timeline. And by the timeline I mean beyond the information that we currently have, there's two aspects of it. There's the timeline of what happens, you know, after adoption into the future, things like the small area plans that have been alluded to and things like that.

[11:00:13 AM]

So that particular timeline. So then we have a more complete timeline. And the second thing is a more granular timeline so we can understand what happens between now and August in terms of new drafts being put out. We've already had one new draft, a map put out. Another one is due in June. But these are things that we're all learning individually and we need to make sure the public really understands. We've gotten a lot of questions about that. So I think that I would like to make sure that the timeline is carved out for our discussion next week also. And then I will be happy to post on the message board -- pulled like to suggest that we -- I would like to suggest that we all post on the message board what items we would like for discussion. I bet there would be a lot of similarities or overlap. And if you have a specific concern about how quickly they're brought up, put that, because we don't have a lot of meetings before July. So I'm sure that will all probably fall out too. I don't expect anything complex, I

expect it will fall out to the same thing. I think it's important when we list the items that we have talked about, when we think do they need to be done first, second, last or can they wait, that kind of thing. So that will be helpful information.

>> Yes, Ms. Pool?

>> Pool: As far as the timeline, I think there's also an implementation period after adoption next year that we should daylight so that we understand the work that our line staff will be undertaking and also kind of a sense for the community when zoning changes would actually take effect because there's -- it doesn't all happen when we vote it in, say, next April. So there's some additional time as councilmember kitchen was talking about. For next week along with timeline and procedure, I would like to have a fairly short list of issues that have been identified as incorrect in either the text or the mapping.

[11:02:20 AM]

And primarily the text. I'm understanding there are three things right off the top that were incorrectly written about -- I don't know if just typos or the sense was lost. One of them was the size of ads. There was not an intent that the maximum square footage of an Adu is 1100 square feet, but it was inadvertently listed as the numbers. So 1344 is sometimes larger than the home already on the site and that wasn't intended. And that actually superceded our policy decision. I think there are some concerns about how str's are represented in the text. So we need to daylight that and square the intention of staff with the policies that we have voted on. And I think there was something about mcmansions but I'm not clear on specifically what that is. But there are clarifications or corrections of errors that are in the text. And then we are all looking at the maps and we see things that are rising to the service, but I would -- to the surface, but I would definitely like to daylight those issues.

>> Mayor Adler: Let's take that list off and go to the bulletin board with that, big topics that we would want to discuss, points of clarity that we need to address, timeline or process issues and then let's schedule that. I also think that one of the opportunities we have is we could conceivably schedule additional time on Wednesday now that we're not doing the budget meetings. They would be optional sessions for council, but the TV cameras could be turned on and we could have staff here. We could also daylight issues for the community that way as well if there was a will. So I think that's something to take a look at in terms of looking at the limited number of days that we have before we break for the summer. Councilmember alter?

>> Alter: I wanted to point out that our next work session, according to our calendar, is June -6z, not next week.

[11:04:25 AM]

>> Mayor Adler: But if we wanted to, we could certainly notice a session like the one that I just mentioned. We could do it on a Wednesday or different days. Okay. Ms. Kitchen?

>> Kitchen: I'd also like to daylight -- and it may be part of the list of incorrect items, but I would also like to understand our process. Just quickly, we have noted what appears to us to be a lack of clarity or an error in our mapping related to a preserve, but we've been notified by planning department that we have to provide direction to them before they will make that change. I don't know what that means in terms of direction. So I'm trying to understand at which points we can just point out what appears to be an error to me where a preserve is not -- a park is designated as a pud and not a park. There's a lot of details that I won't bore with you right now, but I want to understand does direction mean that I come to get a vote or a resolution from council before the planning department will change that or what it means. So I'm not getting clarity from the planning department on what that means, probably because they're not sure how to handle those. So we just need to get that kind of clarity too on what our process is.

>> Mayor Adler: My suggestion is we go offline and on to the bulletin board with a list of things to put on that list, but certainly that could be one of the things in the process area that we would need to cover.

>> Pool: If I could follow up on the zoning of parkland. My staff and I have been working on a resolution to change the ordinance so that parks are designated as parks. We have significant city owned land that isn't even zoned and then we have variation in parkland and how it is recorded for zoning. So we actually have an effort and initiative to help that.

[11:06:27 AM]

>> Mayor Adler: Go ahead and list it on the posting --

>> Pool: Happy to have y'all as a co-sponsor.

>> Kitchen: Can I say one thing? I know you're trying to go fast, but this is really critical for my district. I hope it's going to be soon, and I'll talk with you offline if --

>> Pool: I think it was intended to be before the last meeting in June because we promised ourselves we wouldn't bring anything new on the last meeting in June so it would be the 5th or the 18th. So I'll have my staff put some stuff it up on the message board. I don't know who the quorum is, subquorum is on that, but there is already a list of properties that the city real estate office had put together on all of those various parcels and how they are currently zoned or unzoned.

>> Kitchen: If you put it up on the message board, the sooner the better because I need to make sure this particular parcel is on that list. Thank you.

>> Mayor Adler: Okay. Done with this item? Okay.

>> Tovo: Could we ask the city manager or Mr. Guernsey if we know how soon our Q and a might be available? Our online Q and a? Because I know we visual lots of questions that I think will be of value to each other to see? I have a batch related to how and who will be taking in comments and determining what gets put into a revision.

>> Mayor Adler: What about the Q and a?

>> I understand it's being set up as we speak. I'm told I will be contacted soon, I don't know if it's by ctm, but that process is being formulated right now.

>> Mayor Adler: It will be important. There's no place for that to go right now, so it's backing up and creating some frustration as well as people are stepping into that vacuum and answering the questions for us. Best you answer those questions.

>> I agree.

>> Tovo: That would be great. In the meantime should we hang on to our questions, should we send them on to you or send them to another contact?

>> I think it's going to occur in the next day or two because I was just contacted saying that it's being created right now.

[11:08:31 AM]

>> Mayor Adler: Thank you. Let's go through the rest of the items here.

>> Houston: Mayor, I thought I heard councilmember kitchen, and I may be wrong, ask one other question. Can we through this process begin to make changes to the maps? She's talking about parkland, but there are other things that we run into. And I understand that staff are making some changes to the maps and to the language or the team, whatever. And so will we have an opportunity to sit down with you all and say these are some of the changes that we think need to be done.

>> I think council could certainly give direction going forward on the maps. I know there are categories of classifications right now that are puds or pids that we would not make a recommendation to change. If council wanted to give a direction to change a specific planned unit development or neighborhood unit combining district, we would certainly entertain that, but that's what staff has been operating under.

>> Houston: So that means we would have to make a resolution and get it passed by council to give it direction?

>> I'm saying that's what staff social working on right now. As councilmember pool said, if there is a resolution coming forward to designate all the parkland P public that would be enough that we would go forward and actually move forward with that process. So if there was a similar direction on some other particular nccd tract or tod tract or something along that line, we would move forward on that as well.

>> Mayor Adler: My suggestion would be to the degree that you are making suggestions, any of us that are administrative or clerical in nature or fixing things that are wrong I think it will be real appropriate to send those in. And in fact, Greg, you have a website link that would identify for people the things that you've heard that are things like that that are going to be changed that they'll see in the maps in three months.

[11:10:40 AM]

What is the -- do you know what that link is offhand? Can you send that link out to the council offices?

>> ,We just made some changes that you sent out. I highlighted there in the green border on the maps and I think there's another round that's coming that will probably be in a couple of weeks.

>> Mayor Adler: Wasn't there always a site where you are listing the changes that -- so people know that they have been heard?

>> Yes. We just added yesterday the top five corrections to codenext. It's up online right now. Jorge is just showing me it was added. I know yesterday we were discussing it. It's already up today.

>> Mayor Adler: What is the link for that?

>> It's on the codenext website called the top five corrections to be addressed in codenext.

>> Mayor Adler: Okay. And as that list grows beyond five, will things fall off or will there be -- will people are able to go there to see --

>> We would add to that list. Right now there's an item on short-term rentals --

>> Mayor Adler: You might not want to call it the top five because you might add things to it. One thing that -- so people know they were heard. And probably, Ms. Houston, if there are changes that are substantive with respect to the code, we have to talk about whether as a council we're going to start entertaining those in the middle of the process or whether we're going to wait until after the boards and commissions have a had a chance to rule before we start weighing in on a substantive basis.

>> Houston: And I appreciate that, but my concern is that staff are making changes that are not being vetted by the quick and we don't know of them. So it's like we're running this race with one foot behind us because of us having to go through a very complicated process to get some changes made. And maybe because of legal reasons, you know, that could be the reason why, but things are being changed without coming to council. So yet when council is needed to change something everything has to come to council to get a majority vote to be able to say this is something that we need to have it revisited in codenext.

[11:12:54 AM]

And maybe -- you're looking confused so I appreciate that I'm not being as clear as I -- but there are things that are going on that are being change understand codenext that we don't know about.

>> Mayor Adler: And it wasn't so much I wasn't understanding. I was trying to think of a process in order to daylight that. So it might also be as you keep lists if there's a list of identified policy questions that you need direction from council on, if you could start accumulating that list so that we can see what it is that you're waiting for us so that we could pull things off. Also to really clearly identify the changes that you're making as you go through. So people in the public can see what changes you're making. And then also a list of those things that you haven't had a chance to change yet but you are going to change. That list that you just talked about so people would know that they were heard and that those changes are in the pipeline I think all would be helpful.

>> Mayor, if I could clarify with regard to the changes. With regard to the text, context we have taken in over 2,000 contents on the text, however our plan is not to actually change anything in the text that came out on February 1st until we have a new draft ready for the boards and commissions approval. So what we'll do is when we're ready for that we'll compile a list of all the things that we changed from the draft text that was out, what we've identified in the website today are some early things that we've noticed that people are very concerned about so we're trying to highlight those on the web page, but our intention is not for the sake of transparency and confusion to be changing the text everyday so people know okay, I looked at a version on February 1st or whatever and there are obviously errors and things that people want to have changed, but we don't want to change it everyday as we move along because people won't know what's changed from the original draft they looked at. So the text will get one single update prior to the planning commission and zap recommendation.

[11:14:58 AM]

Since the draft came out on April 18th we had a I believe, which was the obvious errors that we saw in the map originally. Again, we don't want to change the map on a daily basis so that people can know that the last thing they looked at has not changed. Our next expected change to the map will be around the middle of June, maybe around June 14th. What we will do is in addition to highlighting the errors on the map that have changed in green, which is what we've done so far, is we will provide a list on the website so that people can just look at the list and see what's actually changed without having to find it on the map. We'll do both of those things.

>> Houston: Thank you.

>> Mayor Adler: Thank you. Anything else on this? Greg, thank you. Next item was the item with respect to the capitol view corridor. This is the rosewood park. I know a lot of people spent time working on this. I wanted to highlight this because as I sit here right now I have a lot of questions that I haven't gotten -- that I haven't had to ask yet to get answers on, both legal questions and practical questions and precedent questions with respect to the next view corridors. So I'm not sure I'm going to be ready to vote on this on Thursday although I will endeavor to try to get there. I'm just highlighting that this seems to be a very important issue, but also a very complicated issue. So I'll just highlight that.

>> Houston: What I would suggest, mayor, is we pull this until after we have executive session because whatever happens in executive session might have some bearing on this item. So that would be my suggestion.

>> Mayor Adler: Okay. So we'll consider this on Thursday after executive session.

>> And I will say we sent a memo to you all. We don't necessarily need an executive session unless you all want one.

>> Houston: I didn't get the memo yet.

>> It came this morning.

>> Houston: Okay.

[11:17:01 AM]

I do want to let you know, mayor, we have reached an alternative agreement with central health, so we'll talk about that tomorrow -- I mean Thursday, I guess.

>> Mayor Adler: If there's anything that you can provide to us prior to Thursday, I don't know how --

>> Houston: I guess we could put it on the message board.

>> Mayor Adler: That would be helpful as I try to get ready for that on Thursday. Anything else on that? The next item was the health and human services nomination. I really appreciate all the work that the committee has done on this. I know you've been here multiple times on this. And I give great deference to the committee and council when they take something like this, but I will also tell you that I'm getting a lot of inquiries on this, not all of which I can answer at this point. So I highlight that also as something that I have questions about and I'm not sure that I'm ready to vote on that on Thursday.

>> Houston: So mayor, I would like to ask people to go to the meeting where we announced the two recommendations that would move forward to council and that mayor pro tem I think eloquently talked about recuse value. There are issues -- recusal. There are issues about recusals in a lot of areas, but this one we did discuss in open session so we can try to find the link and send it to you so that you can hear that that was a concern that we did talk about and that we're comfortable.

>> Mayor Adler: Sounds good and I will look at that. Thank you for that reference. Yes, councilmember Garza.

>> Garza: I just wanted to add for people watching, there's a concern about a conflict of interest for one of the people that we've suggested. And I would say if councilmembers still have questions, I'm wondering if we should signal now to that possible appointee that she be present to answer any questions or questions that councilmembers have.

[11:19:03 AM]

And/or a representative of her employee could be present to answer any concerns that councilmembers have. I think we should allow that opportunity, each if we choose not to vote on it, at least she could be there to, you know, answer questions or concerns.

>> Mayor Adler: That would be fine by me. Certainly we could have that opportunity to do that.

>> Houston: Those same concerns came up with the joint -- oh my goodness. That same concern came up with the joint appointments, the city, county employee, and we did ask the employee to draft a letter, which they did.

>> Mayor Adler: Anything else? Ms. Kitchen and then Ms. Pool?

>> Kitchen: I wanted to provide for people's clarity that the state law is very clear on what actions have to be taken with regard to any potential conflicts of interest. And as councilmember Houston has said, that was discussed, but if people have questions about that, I just refer you to the law, which is chapter 171, which clearly states that in that kind of circumstance there's a process where the individual submits an affidavit and where this individual just recuses themselves from a vote that involves that particular

situation. So it happens. It's something that is provided for in the law and I'm perfectly comfortable that the person recommending would follow the law in that case.

>> Ms. Pool?

>> Pool: I'm not as comfortable because the state law doesn't talk about talk about deliberations or the conversation. I think for me to be able to get to a place where I'm not concerned about a conflict of interest with the controller of St. David's's hospital being on the central health board of trustees is I would like to know how often Texan item might come or has come up in the past that she would have to recuse herself.

[11:21:11 AM]

I trust that she would. My larger concern is how often would that have to occur. And then what message are we as a council sending to our community when we are also looking to tighten up our conflict of interest rules and how often that person has had to recuse themselves.

>> Houston: Mayor, I would be willing to call central health and see if they could put that together for us. We obviously don't have that information so we will ask the central health folks to see if they can put that together for us by Thursday.

>> Pool: I really appreciate that.

>> Mayor Adler: Anything else on this item?

>> Kitchen: I would like to clarify too, I think it's a good idea. What we're talking about when we talk about a conflict is a vote on a budget item that would involve her employer, so how many times that's what the law talks about. In a community like ours many people have connections within the community regarding health care and we need to be clear what we're talking about in terms of what constitutes a conflict.

>> Pool: And I am asking for a broader array of information. In my -- how often has the St. David's's hospital item come up in front of the central health. I think no what the end result is doing on an approval of an appointee, the city of Austin needs to know we have carefully looked at this and fully vetted it. >>

>> Kitchen: Mr. Mayor, I would agree that I am asking for clarity on what we're asking central health to provide us.

[11:23:16 AM]

We need to understand what people's concerns are and what you might think a conflict is because. And what does that mean to you in terms of what votes are we talking about, what kinds of votes are they talking about, you don't have to answer right now, but I think providing councilmember Houston some clarity would be important. Clearly a contract would be a conflict. I'm not certain what else would and I think if people have concerns about other issues I think we need can clarity on what concerns those are.

>> Pool: I'll just reiterate and I think it was very clear but the issues that have affected St. David's over the last two years that have been taken on. It.

>> Mayor Adler: Ms. Troxclair?

>> Troxclair: I was a member of this community and we did several interviews, but I wasn't a member of the committee that made this recommendation because of a committee change, but I know that we did several interviews is that we really needed that we had someone with financial acumen. So -- and I didn't -- I was unaware of this whole situation until it just came up. But I was why y'all made the recommendation is that she's someone with financial background which will bring the expertise to the board.

>> Houston: She's a certified public accountant or attorney and has intimate knowledge of the health care delivery system.

>> Mayor Adler: Mayor pro tem?

>> Tovo: If I could add by way of background, as the mayor alluded to or maybe councilmember Houston, this was our third round of interviews. And we are really fortunate in the people who apply for the central health board each time that that application process has been reopened, we've gotten new reallocations, we have had new applications on file for several years.

[11:25:19 AM]

We've gotten in touch and said they want to be entered -- considered. So both previous times we interviewed -- we had a full half day of interviews, I would say. And decided at the end of both of those that we couldn't come to a consensus but that we would reopen and try again. So this was our third round of interviews. So I would have to really go back and think about how many candidates we considered over the course of the batteries of interviews. But there were a lot. Again, I appreciate the concerns that others have raised, but please know that was actually how we started our discussion was to talk about conflicts of interest and, it was not an easy choice because we had such qualified candidates this last round as well. But it was a choice that we came to a consensus on because of the strength of the candidates and the potential appointees that we're forwarding.

>> Pool: Mayor, just one last question for the mayor pro tem. Do you have a list of the people who -- like a third runner up, for example?

>> Tovo: I guess I would defer to councilmember Houston to answer that if she wants to. I believe that all of the applicants who have applied for the central health board are listed with the city clerk and we could certainly point you to that database as well as the candidates who are interviewed for each of those three sessions.

>> Pool: I think that would be helpful.

>> Houston: And I think we would have to ask the clerk's office because this is -- this is our third time. I think it was our consensus that the two people that we have tomorrow the full council were indeed the best options and had some very, very unique skill sets that we need on the board.

[11:27:24 AM]

>> Pool: And I really appreciate the diligence that everybody on the committee took. Please don't misunderstand my concerns about the conflict of interest. My concern is if she would have to recuse herself frequently then she wouldn't be able to offer some of the skills that you are clearly identifying were needed on that board.

>> Houston: But we'll be asking your specific questions about the number of contracts and any other issues that have come up with St. David's hospital over the last two years. So we'll get that information to you if they will give that to us.

>> Pool: Thank you. Again, I really appreciate it. I just wanted to frame my concerns as not it's not just the conflicts, it's the fact that then she wouldn't be able to really offer her skills to the group. Thanks.

>> Houston: We're spending a lot of time on this and we're going to get you that information, but there are conflicts that go on all the time, conflicts of interest, even with the central health board that come up. So it's a big issue. That's why I was interested in making sure that we had recusal in our policy to make sure that we knew what the rules of the road are.

>> Mayor Adler: Okay. It's almost 11:30. Yes?

>> Tovo: I wanted to indicate that item 40 will be postponed this week.

>> Mayor Adler: Item 40 is postponed? Which one is that?

>> Tovo: That is the item that would create a temporary public plaza in the south central waterfront district. Staff are continuing to work on some issues.

>> Mayor Adler: There were three items that were also pulled if someone wants to address them real quickly to identify an issue. Someone pulled integral care, number 16. I don't know who that was. Does anybody want to speak to that.

>> Troxclair: That was me and I got my question answered.

>> Mayor Adler: Good. Item number 29. A tree clearing issue. Did someone pull -- it was pulled, but I don't know who.

>> Houston: I pulled it and it was because, again, I want to know how many times we continue to use the same tree trimming people and there are local minority contractors who do the same kind of thing, and why don't they ever get a chance.

[11:29:38 AM]

That's why I pulled it.

>> Mayor Adler: Okay. So one question would be how we open that up for folks that can work on energized lines. Next item, number 43, someone pulled the west campus lighting issue.

>> Troxclair: Yes, I pulled that.

>> Mayor Adler: Yes?

>> Troxclair: And, I mean, it doesn't -- y'all are trying to leave right now, so it doesn't sound like there's time for a discussion on it, but I wanted -- I just want to understand -- of course, as somebody who went to UT and lived on west campus I'm concerned about the safety over there. I want to understand is lighting -- is there a correlation between what the study is I guess going to look at in regards to lighting, and pedestrian safety -- if the city is going to spend money on this, is this the best thing that we can be doing to help with student safety in that area. This is the first time I heard about it. I was curious about the background.

>> Mayor Adler: It was responding to -- with some other councilmembers to some of the folks in west Austin that were saying they didn't feel safe and one of the things that they said would make them feel safer is if there was greater lighting. I certainly wouldn't expect to expanding the resolution to also ask if there are other ways to make people feel safer and be safer, but there was trying to respond to that concern from that community to see -- check the inventory and see if there is something that we could do in that regard. But I certainly wouldn't mind asking that broader question as well.

>> Troxclair: And I guess from the staff I would be interested in if there was some kind of -- I don't know what the cost is, conduct an extensive lighting inventory study.

[11:31:38 AM]

>> Mayor Adler: We were told that Austin energy could do that within their budget, that they had the capacity to be able to do that analysis.

>> Troxclair: Okay. Thanks.

>> Mayor Adler: Okay. Anything else? So what we'll do, unless anybody wants to come back after lunch, we'll just stop the work session here. We're adjourned.